

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

Rec'd PCT/PTO 19 SEP 2005

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PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.
PCT/EP2004/002577

International filing date (day/month/year)
12.03.2004

Priority date (day/month/year)
21.03.2003

International Patent Classification (IPC) or both national classification and IPC
C03C1/00

Applicant
NOVARA TECHNOLOGY S.R.L.

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/002577

Box No. II Priority

1. The following document has not been furnished:

copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-------------|---|
| Novelty (N) | Yes: Claims | |
| | No: Claims | 1 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1 |
| Industrial applicability (IA) | Yes: Claims | 1 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:
 - D1 : US 5 063 179 A (MENASHI JAMEEL ET AL) 5 November 1991 (1991-11-05)
 - D2 : TSENG T Y ET AL: "Various atmosphere effects on sintering of compacts of SiO₂/microspheres" J. MATER. SCI. (UK), JOURNAL OF MATERIALS SCIENCE, OCT. 1986, UK, vol. 21, no. 10, 1986, pages 3615-3624, XP001189680 ISSN: 0022-2461
 - D3 : US 5 068 208 A (HAUN NIELS ET AL) 26 November 1991 (1991-11-26)
 - D4 : EP 0 310 486 A (SHINETSU CHEMICAL CO) 5 April 1989 (1989-04-05)
 - D5 : US 4 681 615 A (KANBE SADAO ET AL) 21 July 1987 (1987-07-21)
 - D6 : US 6 360 564 B1 (UKRAINCZYK LJERKA ET AL) 26 March 2002 (2002-03-26)

2 INDEPENDENT CLAIM 1

The claimed silica glass is defined in Claim 1 by its internal light transmittance, streak, strip and shadography properties. These features merely express a desired result to be achieved (desideratum) and therefore would appear to be inherent to any silica glass prepared in the way defined by the remaining features.

Furthermore it is not clear from the application to what samples these parameters apply to and how they were measured. For instance the thickness of the test specimen has an influence on the value for internal transmittance. The Claim and the application as a whole lacks clarity with regard to these features in the sense of Art.6 PCT. For the purposes of this statement the Claim has been examined in this light with respect to the prior art cited.

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of Claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses densification of a sol-gel prepared silica glass in a water containing atmosphere.
- 2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of Claim 1 is not new in the sense of Article 33(2) PCT.

Document D2 discloses densification of a sol-gel prepared silica glass in a water containing atmosphere.

- 2.3 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of Claim 1 is not new in the sense of Article 33(2) PCT.
Document D3 discloses sintering of a sol-gel prepared silica glass in an atmosphere containing traces of water.
- 2.4 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of Claim 1 is not new in the sense of Article 33(2) PCT.
Document D4 discloses sintering of a sol-gel prepared silica glass in an atmosphere containing traces of water.
- 2.5 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of Claim 1 is not new in the sense of Article 33(2) PCT.
Document D5 discloses sintering of a sol-gel prepared silica glass in an atmosphere containing traces of water.
- 2.6 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of Claim 1 is not new in the sense of Article 33(2) PCT.
Document D6 discloses sintering of a sol-gel prepared silica glass in an atmosphere containing traces of water.